

MONTANA SENATE
2007 LEGISLATURE

ROLL CALL

PUBLIC HEALTH, WELFARE & SAFETY

DATE 2-21-07

NAMES	PRESENT	ABSENT	EXCUSED
SEN. JOHN COBB (R)	✓		
SEN. JOHN ESP (R)	✓		
SEN. KIM GILLAN (D)	✓		
SEN. LYNDA MOSS (D)	✓		
SEN. TERRY MURPHY (R)	✓		
SEN. JERRY O'NEIL (R)	✓		
SEN. TRUDI SCHMIDT (D)	✓		
SEN. CAROL WILLIAMS (D)	✓		
SEN. DAN WEINBERG(D) CHAIR	✓		
LISA JACKSON (LSD)	✓		
PRUDENCE GILDROY, SECRETARY	✓		



SENATE STANDING COMMITTEE REPORT

February 22, 2007

Page 1 of 3

Mr. President:

We, your committee on **Public Health, Welfare and Safety** recommend that **Senate Bill 149**

(first reading copy -- white) **do pass as amended.**

Signed: _____

Senator Dan Weinberg, Chair

And, that such amendments read:

1. Page 1, line 18.

Strike: "may"

Insert: "must"

2. Page 2, line 1.

Strike: "may"

Insert: "must"

3. Page 2, line 4.

Strike: "must"

Insert: "may"

Following: the first "facility"

Strike: remainder of line 4

Insert: "that provides"

4. Page 2, line 12.

Strike: "may"

Insert: "shall"

5. Page 2, line 15 through line 17.

Following: "(7)"

Strike: remainder of line 15 through "residents." on line 17

6. Page 3, line 4 through line 5.

Strike: "Compliance" on line 4 through "facilities." on line 5

Insert: "Secure residential forensic treatment facility --
certification -- accreditation -- oversight -- planning."

Strike: "must be certified by" on line 5

Committee Vote:

Yes 6, No 3

Fiscal Note Required _____

A handwritten signature, possibly "H", is written over the line for the Fiscal Note Required.

401019SC.spb

7. Page 3, line 6.

Following: "(a)"

Insert: "must be certified by"

8. Page 3, line 7.

Strike: "and"

9. Page 3, line 8.

Following: "(b)"

Insert: "must be certified by"

10. Page 3, line 9.

Following: "facilities"

Insert: "; and

(c) shall apply for, acquire, and maintain accreditation with the national commission on correctional health care.

(2) All certificates, accreditation reports, and related investigations, reports, and plans must be available for public inspection.

(3) The mental disabilities board of visitors, as provided for in 2-15-211, is authorized to perform onsite review of the secure residential forensic treatment facility in accordance with the standards for mental health care as determined by the national commission on correctional health care. The mental disabilities board of visitors review teams must receive training on the mental health standards of the national commission on correctional health care prior to conducting the onsite review.

(4) The departments listed in subsection (1) shall work collaboratively with members of the mental health oversight advisory council, members of the corrections advisory council, and others with expertise from identified stakeholder groups in the development of the elements of the program, staff training, and program policies and procedures."

Renumber: subsequent subsection

11. Page 3, line 12.

Following: line 11

Insert: "NEW SECTION. Section 3. Certification of readiness.

Prior to opening a secure residential forensic treatment facility, the office of the governor shall certify to the legislative finance committee that all prerequisites required by [section 2] for opening the facility have been completed, including:

(1) certification by the department of labor and industry and the department of justice as provided in [section 2(1)(a) and (1)(b)]; and

(2) treatment programming and policy development as provided in [section 2(4)]."

Renumber: subsequent sections

12. Page 10, line 11.

Strike: "and 2"

Insert: "through 3"

13. Page 10, line 12.

Strike: "and 2"

Insert: "through 3"

- END -



SENATE STANDING COMMITTEE REPORT

February 22, 2007

Page 1 of 3

Mr. President:

We, your committee on **Public Health, Welfare and Safety** recommend that **Senate Bill 312** (first reading copy -- white) **do pass as amended.**

Signed: _____

Senator Dan Weinberg, Chair

And, that such amendments read:

1. Title, line 5.

Strike: "AND"

Following: "AMENDING"

Strike: "SECTION"

Insert: "SECTIONS"

2. Title, line 6

Following: "50-5-105"

Insert: "AND 50-5-207"

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A
TERMINATION DATE"

3. Page 1, line 12.

Following: "(a)"

Insert: "except as may be required for hospital certification,"

4. Page 1, line 14.

Following: "(b)"

Insert: "except as may be required by medical staff bylaws,"

5. Page 1, following line 22.

Insert: "(2) Notwithstanding the prohibitions in subsection (1),
a hospital may refuse to appoint a physician to the
governing body of the hospital or to the position of
president of the medical staff or presiding officer of a
medical staff committee if the physician or a partner,

Committee Vote:

Yes 9, No 0

Fiscal Note Required — *K1*

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associate, or employee of the physician provides medical or health care services at, has an ownership interest in, or occupies a leadership position on the medical staff of a different hospital, hospital system, or health care facility."

Renumber: subsequent subsections

6. Page 1, line 24.

Following: "means the"

Strike: "use" on line 24 through "privileges" on line 26

Insert: "denial of a physician's application for staff membership or clinical privileges to practice medicine in a hospital on criteria other than the individual's training, current competence, experience, ability, personal character, and judgment. This term does not mean use by the hospital of:

- (i) exclusive contracts with physicians;
- (ii) medical staff on-call requirements;
- (iii) adherence to a formulary approved by the medical staff; or
- (iv) other medical staff policy adopted to manage health care costs or improve quality"

7. Page 2, line 5.

Insert: "(4) For the purposes of this section, the provisions of 50-5-207 do not apply."

8. Page 2, line 25 through line 26.

Strike: subsection (5) in its entirety

9. Page 2, line 27.

Insert: "Section 3. Section 50-5-207, MCA, is amended to read:

"50-5-207. Denial, suspension, or revocation of health care facility license -- provisional license. (1) The department may deny, suspend, or revoke a health care facility license if any of the following circumstances exist:

(a) The facility fails to meet the minimum standards pertaining to it prescribed under 50-5-103.

(b) The staff is insufficient in number or unqualified by lack of training or experience.

(c) The applicant or any person managing it has been convicted of a felony and denial of a license on that basis is consistent with 37-1-203 or the applicant otherwise shows evidence of character traits inimical to the health and safety of patients or residents.

(d) The applicant does not have the financial ability to operate the facility in accordance with law or rules or standards adopted by the department.

(e) There is cruelty or indifference affecting the welfare of the patients or residents.

(f) There is misappropriation of the property or funds of a

patient or resident.

(g) There is conversion of the property of a patient or resident without the patient's or resident's consent.

(h) Any provision of parts 1 through 3, except [section 1], is violated.

(2) The department may reduce a license to provisional status if as a result of an inspection it is determined that the facility has failed to comply with a provision of part 1 or 2 of this chapter or has failed to comply with a rule, license provision, or order adopted or issued pursuant to part 1 or 2.

(3) The denial, suspension, or revocation of a health care facility license is not subject to the certificate of need requirements of part 3.

(4) The department may provide in its revocation order that the revocation is in effect for up to 2 years. If this provision is appealed, it must be affirmed or reversed by the court."

Renumber: subsequent sections

10. Page 2, following line 29.

Insert: "NEW SECTION. **Section 5. Effective date.** [This act] is effective on passage and approval."

Insert: "NEW SECTION. **Section 6. Termination.** [This act] terminates June 30, 2009."

- END -



SENATE STANDING COMMITTEE REPORT

February 22, 2007

Page 1 of 3

Mr. President:

We, your committee on **Public Health, Welfare and Safety** recommend that **Senate Bill 417** (first reading copy -- white) **do pass as amended.**

Signed: _____

Dan Weinberg
Senator Dan Weinberg, Chair

And, that such amendments read:

1. Title, line 4.

Following: "HOSPITAL;"

Insert: "PROVIDING FOR ATTESTATION FOR LICENSING SPECIALTY HOSPITALS;"

2. Title, line 6.

Following: "EXTENDING"

Insert: "AND REVISING"

Following: "50-5-101"

Insert: ", 50-5-203"

3. Page 8, line 1.

Following: "is"

Strike: "primarily or"

Following: "in the"

Insert: "diagnosis,"

Following: "care"

Insert: ", "

Following: "one"

Insert: "or more"

4. Page 8, line 4.

Following: "i;"

Insert: "or"

5. Page 8, line 5.

Strike: "i; and"

Insert: "."

Committee Vote:

Yes 9, No 0

Fiscal Note Required — *KY*

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6. Page 8, line 6 through line 10.

Strike: subsections (v) and (b) in their entirety

Insert: "(b) For purposes of this subsection (55), a specialty hospital may provide other services for medical diagnosis, treatment, rehabilitation, and care of injured, disabled, or sick individuals as otherwise provided by law if the care encompasses 35% or less of the hospital services."

7. Page 15, line 11.

Insert: "Section 2. Section 50-5-203, MCA, is amended to read:

"50-5-203. **Application for license.** The procedure to apply for a license is as follows:

(1) At least 30 days prior to the opening of a facility and after that no later than the expiration date of the license, application is made to the department accompanied by the license fee.

(2) The application shall contain:

(a) the name and address of the applicant if an individual, the name and address of each member if a firm, partnership, or association, or the name and address of each officer if a corporation;

(b) the location of the facility;

(c) the name of the person or persons who will manage or supervise the facility;

(d) the number and type of patients or residents for which care is provided;

(e) any information which the department may require pertaining to the number, experience, and training of employees;

(f) information on ownership, contract, or lease agreement if operated by a person other than the owner.

(3) Applications must include attestation or supporting documentation required by the department pertaining to the licensure of specialty hospitals using the procedures provided in parts 1 and 2 of this chapter. The attestation may be used as the basis for the issuance of a provisional or temporary license."

Renumber: subsequent sections

8. Page 15, line 14.

Following: "(1)"

Strike: "The"

Insert: "Subject to subsection (4), the"

9. Page 15, line 19.

Following: "2009."

Insert: "(4) A health care facility licensed by the department and in existence on [the effective date of this act] may not change its licensure status in order to qualify for licensure as a specialty hospital unless the health care facility is licensed as a hospital."

10. Page 15, lines 23 through 25.
Strike: section 4 in its entirety
Renumber: subsequent sections

- END -



SENATE STANDING COMMITTEE REPORT

February 22, 2007

Page 1 of 1

Mr. President:

We, your committee on **Public Health, Welfare and Safety** recommend that **Senate Joint Resolution 15** (first reading copy -- white) **do pass as amended.**

Signed: _____

Senator Dan Weinberg, Chair

And, that such amendments read:

1. Title, line 5.

Following: "OF"

Insert: "MONTANA'S HEALTH CARE DELIVERY SYSTEM, INCLUDING"

2. Title, line 6.

Following: "HOSPITALS"

Insert: ", "

3. Page 2, line 8.

Following: "recommendations"

Insert: "associated with Montana's health care delivery system"

4. Page 2, line 13.

Following: "facilities"

Insert: ", including use of hospitals by physicians who may be in competition with that hospital"

5. Page 2, line 13.

Strike: "and"

6. Page 2, line 14.

Strike: "."

Insert: "; "

7. Page 2, following line 14.

Insert: "(d) quality of care for patients;

(e) quality improvement and cost containment initiatives;
and

(f) health information technology."

- END -

Committee Vote:

Yes 9, No 0

Fiscal Note Required _____ *KL*

400930SC.spb

MONTANA STATE SENATE
2007 LEGISLATURE

PUBLIC HEALTH, WELFARE, & SAFETY

ROLL CALL VOTE

DATE 2-21-07 BILL NO. SB 149 NUMBER 4-5
MOTION: ^{New} ~~Section~~ (4) on Amendment # 12 SB 014902.9 sb

NAME	AYE	NO
SEN. JOHN COBB (R)	✓	
SEN. JOHN ESP (R)		✓
SEN. KIM GILLAN (D)	✓	
SEN. LYNDA MOSS (D)	✓	
SEN. TERRY MURPHY (R)		✓
SEN. JERRY O'NEIL (R)		✓
SEN. TRUDI SCHMIDT (D)		✓
SEN. CAROL WILLIAMS (D)	✓	
SEN. DAN WEINBERG(D) CHAIR		✓
LISA JACKSON (LSD)		
PRUDENCE GILDROY, SECRETARY		

SENATE PROXY FORM

According to Senate Rule 30-70 (13) (f) , a committee member may vote by proxy using a standard form.

PROXY VOTE

I, the undersigned, hereby authorize Senator

Cole

to vote my proxy on any issue before the Senate

Public Health

Committee

held on

Feb 22

_____, 2007.

Coral Brumby

SENATOR
STATE OF MONTANA

VISITOR REGISTER

DATE FEBRUARY 20, 2007 2-21-07 a.m.

BILLS BEING HEARD TODAY ~~40337~~ Eder Action

PLEASE PRINT

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY